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October 15, 2014

**VIA ECF**

Honorable Tonianne J. Bongiovanni, U.S.M.J.  
United States District Court  
District of New Jersey  
Clarkson S. Fisher Building and U.S. Courthouse  
402 East State Street, Room 6E  
Trenton, NJ 08608

**Re: *In re New Jersey Tax Sales Certificates Antitrust Litig.***  
**Master Docket No.: 3:12-CV-01893-FLW-TJB**

Dear Judge Bongiovanni:

Together with our co-counsel, this office represents plaintiffs and the class in this matter. This letter responds to Your Honor's request for a status report regarding this action.

Plaintiffs have reached settlements with a number of defendants, and have submitted a plan to notify Class members of those settlements. Those settlements are at various stages of approval by the Court, as discussed further below. All defendants who have not settled have moved to dismiss plaintiffs' operative pleading or to stay this action. Those motions are also discussed below.

**Proposed settlements**

On August 13, 2013, Judge Shipp granted preliminary approval to proposed settlements with 1) CCTS LLC; CCTS Tax Liens I, LLC; CCTS Tax Liens II, LLC; DSBD, LLC; Pro Capital LLC; David Butler; and David M. Farber (collectively the "Butler/Farber Defendants"); 2) Burlington Assembly of God/Fountain of Life Center; Mercer S.M.E., Inc.; Susan M. Esposito; and David B. Boudwin (collectively the "Mercer Defendants"); 3) Richard J. Pisciotta, Jr.; 4) William A. Collins; and 5) Isadore H. May). Docket Entry No. 276. Also on August 13, 2013, in a separate docket entry, No. 277, Judge Shipp granted preliminary approval to a proposed settlement with defendant Robert E. Rothman.

Thereafter, plaintiffs moved for preliminary approval of settlements with 1) M.D. Sass Investors Services, Inc.; M.D. Sass Tax Lien Management, LLC; M.D. Sass Municipal Partners – I, L.P.; M.D. Sass Municipal Partners – II, L.P.; M.D. Sass Municipal Partners – III, L.P.; M.D. Sass Municipal Partners – IV, L.P.; M.D. Sass Municipal Partners – V, L.P.; and M.D. Sass



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Municipal Partners – VI, L.P. (collectively the “Sass Entities”), Vinaya K. Jessani and Stephen E. Hruby (collectively with the Sass Entities, the “Sass Defendants”); 2) Royal Bancshares of Pennsylvania, Inc.; Royal Bank America; Crusader Servicing Corporation; and Royal Tax Lien Services, LLC (collectively the “Crusader Defendants”); 3) Plymouth Park Tax Services, LLC d/b/a Xspand (“Plymouth”); and 4) Phoenix Funding, Inc. and Benedict Caiola (the “Phoenix Defendants”). Judge Shipp referred plaintiffs’ application to Your Honor for a Report and Recommendation. On March 11, 2014, after hearing oral argument on March 6, 2014, Docket Entry No. 337, Your Honor issued a Report and Recommendation that recommended preliminary approval of those settlements. Docket Entry No. 339. That Report and Recommendation remains pending before Judge Shipp.

Finally, on June 27, 2014, plaintiffs moved for preliminary approval of settlements with 1) Norman T. Remick; 2) American Tax Funding, LLC; 3) Robert W. Stein; and 4) Lambros Xethalis. Docket Entry No. 369. As part of that motion, plaintiffs provided details of a proposed notice plan that would apply to all of the proposed settlements. *See, e.g.*, Docket Entry No. 369-1, at 30-33 (supporting brief describing notice plan). That notice plan was developed in consultation with Gilardi & Co., a highly experienced settlement notice and administration firm. In summary, the notice plan would incorporate 1) direct notice to Class members (where reasonably practicable), 2) publication notice in five newspapers of general circulation in New Jersey (Newark Star-Ledger, The Record (Hackensack), Trentonian, Courier-Post, and Atlantic City Press), and 3) an online internet campaign, supplemented by a neutral case information website, [www.njtaxliensettlements.com](http://www.njtaxliensettlements.com).<sup>1</sup> That June 27, 2014 motion for preliminary settlement approval remains pending before Judge Shipp.

#### **Motions to Dismiss or Stay by All Non-Settling Defendants**

The remaining, non-settling defendants all filed motions to dismiss the operative First Amended Consolidated Master Class Action Complaint and/or to stay the case. Those motions were filed on March 14, 2014. Docket Entry Nos. 340, 341, 342, 345, 347. Plaintiffs filed an omnibus opposition to those motions on April 25, 2014. Docket Entry No. 353. The moving defendants then filed replies on May 16, 2014. Docket Entry Nos. 356, 357, 358, 359. Those fully briefed motions remain pending before Judge Shipp.

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<sup>1</sup> Your Honor had directed plaintiffs to make a submission detailing the proposed notice plan by June 30, 2014. Docket Entry No. 362. Since the June 27, 2014 motion papers described that proposed notice plan in detail, plaintiffs did not make a separate submission regarding notice.



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Should the Court have any questions about this status report, plaintiffs' counsel are available at the Court's pleasure. Thank you very much for your consideration.

Respectfully,

*/s/ Bruce D. Greenberg*

Bruce D. Greenberg

cc: All counsel (via ECF)